

**REQUEST FOR RECONSIDERATION**

**Claims 1-2 and 4-8** stand rejected under 35 USC § 102(e) as being anticipated by Doverspike (U.S. Patent No. 6,982,951).

**Claim 1** calls for among other elements: “select a spectral route and the spatial route that supports it by selecting the wavelength to be used, or the wavelengths to be used successively, to connect the starting node to the destination node, wherein the optimization method processes all the collected parameter values in the destination node.”

**1. Doverspike does not teach or suggest selecting a spectral route by selecting the wavelength to be used, or the wavelengths to be used successively**

**Doverspike** discloses the restoration path which is selected from a graph of links in the network which are physically diverse from the service path. (Col. 2, lines 11-13). Therefore, Doverspike teaches selecting a restoration path from the physical interconnected segments. Such path is spatial and not spectral. Nowhere does Doverspike teach or suggest selecting the restoration path by selecting “the wavelength or the wavelengths to be used successively.”

**2. Doverspike does not teach or suggest selecting the spatial route that supports the spectral route**

As discussed above, Doverspike discloses the restoration path which is selected from a graph of links in the network which are physically diverse from the service path. (Col. 2, lines 11-13). The restoration and service paths do not belong to the same infrastructure. (Col 4., lines 27-30). Doverspike teaches selecting a restoration path to recover from failures on the service path. The restoration path segments are physically and spatially different from the service path segments. To the contrary, claim 1 calls for the spatial path to support the spectral path. E.g, the spatial path spatially coincides with the selected spectral path.

**3. Doverspike does not teach or suggest that the collected parameter values are processed in the destination node**

The Examiner asserts that Doverspike discloses “all of the information needed for the computation of the service and restoration paths could be maintained at every OXC node. Thus, Doverspike does teach the above limitation.” (See Office Action, page 5, lines 15-18).

Initially, Applicants submit that, as demonstrated in the above paragraph, the Examiner fails to properly address an amendment to claim 1 and an argument Applicants presented in the Amendment filed February 4, 2008. The Examiner addresses storing the information needed for the calculation of the service and restoration paths in the destination node. However, the Examiner does not address the computation of the service and restoration paths in the destination node. Therefore, Applicants respectfully request the Examiner to properly address the computation of the service and restoration paths in the destination node in the next Office Action.

Furthermore, Doverspike unambiguously discloses computation of the service and restoration paths at the source node throughout the specification, while being entirely silent regarding computation of the service and restoration paths at the destination node. Specifically, Doverspike discloses that a source node selects a service path through the network to a destination node and sends a first message along the service path to the destination node. The destination node sends a second message back to the source node along nodes in the service path, whereby the nodes update the message with an array representing a restoration link capacity (channels/wavelengths) needed on each link over possible failures of the service path. The source node selects the restoration path based on weights computed for the links based on a number of channels/wavelengths needed on each link over possible failures of the service path. (Col. 2, lines 11-33). Applicants submit that Doverspike lacks any enabling support for computing the service and restoration paths at the destination node.

In summary, because Doverspike does not teach or suggest at least “select a spectral route and the spatial route that supports it by selecting the wavelength to be used, or the wavelengths to be used successively, to connect the starting node to the destination node, wherein the optimization method processes all the collected parameter values in the destination node,” **claim 1 and dependent claims 2 and 4-8** distinguish patentably and unobviously over Doverspike.

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Appln. No.: 10/505,214

Attorney Docket No.: Q82801

**CONCLUSION**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

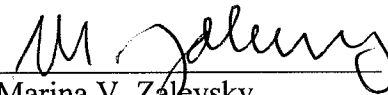
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**23373**

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